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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,072	04/26/2001	Rodney Carlton Burnett	AUS920010162US1	8490

7590

03/23/2006

Darcell Walker
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Houston, TX 77036

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,072	Applicant(s) BURNETT ET AL.	
	Examiner Samson B. Lemma	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-21 is/are allowed.
- 6) ☒ Claim(s) 1-12, 22 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. **This office action is in reply to an amendment filed on December 19, 2005.**

The first office action was made on January 12, 2005. Examiner for rejecting the claims used a prior art namely **"Tivoli Secure Way Director For Operating Systems reference"** which had a copyright date of November 7, 2000. The Effective filing date of the application is **April 26, 2001.**

However, Applicants traversed the examiner's first office action and argued that Tivoli is a division of IBM, which is the same assignee of the present application. Applicant further argued that the cited reference merely documents the inventors' own invention. Further, applicant indicated that the reference only displays a copyright notice of 2000 and this fact does not indicate the exact date of the publication. In addition, applicant said that the present invention was submitted for internal review and preparation of the patent application prior to these release dates.

Examiner on August 17, 2005, requested (Requirement under Rule 105) the applicant so that the applicant would submit the publication date of the reference.

68 ~~Applicant~~^A Applicant confirmed that the record of the Assignee show a date of conception of July 18, 2000. Applicant further indicated that the internal approval process for IBM and the process of preparation and filing of the application immediately followed.

For the above reason, the **"Tivoli"** reference used as a prior art which had a copyright date of November 7, 2000 is withdrawn as the applicant indicated that **the conception date of the application is on July 18, 2000** which is before the reference date. **(November 7, 2000).**

2. Applicant has filed a terminal disclaimer and overcome the double patent rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 1** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the access attempt ". There is insufficient antecedent basis for this limitation.

Claim 1 also recites the limitation "the database" at the end of the claim limitation, even though, this has an antecedent basis, it is not clear whether or not it is referring to the "protected objects database" or just any database.

Applicant has to be explicitly clarify the term "the database" to avoid ambiguity.

5. **Claim 22** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 recites the "symbolic link" is attached to said system resources. It is ambiguous whether or not this is referring to "the symbolic links pointing to the system resources" or the "protected symbolic link files." It is not only vague but also ambiguous.

6. **Claim 23** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Claim 23 recites the**

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limitation "the proposed symbolic link" There is insufficient antecedent basis for this limitation.

Claim 23 also recites the limitation "the database" at the end of the claim limitation, even though, this has an antecedent basis, it is not clear whether or not it is referring to the "protected objects database" or just any database.

Applicant has to be explicitly clarify the term "the database" to avoid ambiguity.

7. **Claims 2-11 and 24-28** depend from the rejected claims 1 and 23 respectively, and include all the limitations of the respective claims, thereby rendering those dependent claims indefinite.

Allowable Subject Matter

8. Claims **13-21** are allowed.
9. Claims **1-12, 22 and 23-28** would be allowable if the 35 U.S.C. 112 rejection(s) set forth in this office action is overcome.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am-4:30 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.
03/12/2006

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